

105 N OREGON



**BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR
WEDNESDAY, FEBRUARY 24, 2010**

**DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS**

**MEMORANDUM
February 15, 2010**

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres – The Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Official

SUBJECT: 105 N Oregon Street, El Paso, Texas 79901

The following is a brief chronology of the investigation of the referenced location:

- 1) This building was first investigated for property maintenance violations in November 2009. This building sits on the corner of Oregon and San Antonio and is also known as the American Furniture building. The building is constructed of reinforced concrete and was built in 1921. There are four businesses located on the ground floor of this 7 story building. The basement and the 2nd through 7th floors are vacant and are being utilized for storage, which is a non-permitted use. The exterior of the building has a few areas that are missing stucco and need painting. The interior of the structure has electrical, mechanical and plumbing violations. Emergency escape routes required for the egress of the building occupants are being compromised by illegally constructed partitions, accumulation and storage of books, pallets and various types of trash and debris. The unoccupied areas of the building are being used to store combustibles such as old building materials, tires, boxes full of papers, documents, clothing, plumbing fixtures, restaurant equipment and thousands of pairs of used boots and shoes. Many of the windows are deteriorated and have not been maintained free of holes and cracks and are missing panes of glass.
- 2) A certified condemnation letter was mailed to Caples Land Company, LLC.
- 3) Certified notices of the public hearing scheduled for February 24, 2010, were mailed to the owners and all interested parties on February 10, 2010.
- 4) As of February 15, 2010, no taxes are owed.

The owners have been notified of the property maintenance violations at this property. A meeting was held with the property owner at the property on February 17th 2010, and the violations were pointed out to the owner. The development services department recommends that it be found:

- 1) That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure can be rehabilitated; and

- 4) That an electrician be hired to evaluate the entire electrical system and make the required repairs within thirty (30) days; and
- 5) That a contractor be hired to repair the required restrooms within thirty (30) days; and
- 6) That all non permitted installations of partitions and ceilings be removed within thirty (30) days; and
- 7) That all non permitted mechanical systems be removed within thirty (30) days; and
- 8) That all non permitted items being stored in the building be removed within thirty (30) days; and
- 9) That all broken window glass be removed and the openings be protected by covering with plywood within thirty (30) days; and
- 10) That all components of all egress paths shall be restored to the required rating within thirty (30) days; and
- 11) That all non permitted storage and accumulations of materials, articles, trash and debris be removed within thirty (30) days; and
- 12) That if the requirements of #4 through #11 are not complied with within thirty (30) days the structures certificate of occupancy be revoked and that the structure be vacated; and
- 13) That the structure be secured and maintained secure until rehabilitated; and
- 14) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

DEVELOPMENT SERVICES DEPARTMENT
December 2, 2009

NOTICE OF VIOLATION

Caples Land Development Inc.
% S B Abraham
P. O. Box 1797
El Paso, Texas 79949-1797

Re: 105 N. Oregon St.
Blk: 6 Mills
Lot: 112 Ft on Oregon X 120 Ft on E
Zoned: C-5 HNC
BSC09-00951
Mail Receipt #:
7008 1300 0001 0407 1536

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **105 N. Oregon St., El Paso, Texas 79901** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- d. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- g. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- i. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards commission will decide if the structure is unsafe and if it should be vacated

and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.

- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **24th** day of **February, 2010** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the buildings located on the property at **105 N. Oregon Street**, in El Paso, Texas, which property is more particularly described as:

Legal Description: A part of Lots 32 and 33, Block 6, as shown on the map or plat of the town of El Paso, Made by Anson Mills in El Paso County, Texas, described by metes and bounds hereto and made a part hereof.

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- d. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- g. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Texas, Caples Land Company, LLC, 105 N. Oregon, El Paso, Texas, 79901 and Serhan Investments, Inc. (Lienholder), 2527 Morehead, El Paso, Texas, 79930 (the "**Owners**") are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an

interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owners shows that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia S. Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Official
Building Permits and Inspection Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 105 N. Oregon Street was PUBLISHED in the official City newspaper on the ____day of _____, 2010.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

Caples Land Company, LLC
105 North Oregon Street
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

Serhan Investments, Inc.
2527 Morehead
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

William J. Mounce
P. O. Box 1977
El Paso, Texas 79950

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

William David Abraham
717 E. San Antonio Street
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

Joseph Sib Abraham Jr.
4308 Ridgecrest
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

Joseph Sib Abraham Sr.
717 E. San Antonio
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was HAND-DELIVERED to:

Edward Abraham
3737 N. Mesa Ste J
El Paso, Texas 79912

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 105 N. Oregon Street, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 17, 2010

REP. DISTRICT: 8

ADDRESS: 105 N. Oregon Street

ZONED: C5HNC

LEGAL DESCRIPTION: A part of Lots 32 and 33, block 6, as shown on the map or plat of the town of El Paso, made by Anson Mills in El Paso County, Texas.

OWNER: Caples Land Company, LLC

ADDRESS: 105 N. Oregon Street
El Paso, Texas 79901

BUILDING USE: Commercial multistory building

TYPE OF CONSTRUCTION: Type 2 reinforced concrete with brick and plaster veneer

FOOTINGS: Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: formed in place concrete

CONDITION: A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Brick

HEIGHT: 50' +/-

THICKNESS: 8" - 10" +/-

CONDITION: Fair. Due to lack of maintenance and exposure to the elements, some minor repairs are recommended. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame, sheetrock w/plaster

CONDITION: Poor. The walls and ceilings contain holes and cracks and show signs of leaks and decay due to lack of maintenance. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the buildings safe.

ROOF STRUCTURE: Flat roof, poured concrete, built up

CONDITION: Poor. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Metal frame doors and windows.

CONDITION: Fair. The glass panes on some of doors are cracked and several windows are broken and will need to be repaired or replaced so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. All the components of all egress paths shall be restored to the required rating in order to meet egress requirements.

PLUMBING: A licensed plumber should be hired to bring system up to code.

ELECTRICAL: A licensed electrician should be hired to bring system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Four businesses

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This multistory commercial building was built in 1921. There are four businesses located on the ground floor. Several vacant floors and the basement are full of combustible materials posing a hazard to the tenants. The department recommends the structure be rehabilitated within thirty (30) days; if not that the structure be vacated and secured and maintained secure until rehabilitated. That the property be cleaned of all weeds, trash and debris within thirty (30) days.

Bill Stern

Building Inspector